

COUNTY OF KAUAI PLANNING COMMISSION - 4444 Rice Street, Suite A473, Lihue, Kauai, 96766, tel: (808) 241-4050, fax: to (808) 241-6699, email: khull@kauai.gov. Pursuant to Hawaii Revised Statutes Chapter 91-3 and the Rules of Practice and Procedure of the County of Kaua'i Planning Commission, notice is hereby given that the County of Kauai Planning Commission ("Commission") will hold a **public hearing on Tuesday, September 26, 2017, at 9:00 p.m. in the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawaii** to hear testimony and comments from all interested persons regarding the following:

1. Proposed Amendments to Chapter 6, Agency Hearing Procedures, Rules of Practice and Procedure of the County of Kauai Planning Commission.
2. Proposed Amendments to Chapter 9, Appeals from Actions of the Planning Director, Rules of Practice and Procedure of the County of Kauai Planning Commission.
3. Proposed Amendments to the "Interpretative Administrative Zoning Rules and Regulations (2014) of the Kauai Planning Commission," Relating to Chapter 8, 9, and 10 of the Kauai County Code (1987), Enforcement of KPAR 8-19, Kauai County Code, Chapter 8, Article 17, Relating to Transient Vacation Rentals of the Kaua'i County Code.

Regarding the proposed amendments to Chapter 6, Agency Hearing Procedures, Rules of Practice and Procedure of the County of Kauai Planning Commission, the Planning Commission is proposing amendments to its rules governing contested cases by eliminating civil style discovery, clarifying the time for filing motions, requiring resolution of motions by the Presiding Officer without a hearing unless the Presiding Officer requires otherwise, and specifying that no reply or supplemental memoranda shall be filed unless required by the Presiding Officer. These amendments are designed to encourage an expeditious and inexpensive contested case process while providing for procedural due process at the administrative level.

Regarding Proposed Amendments to Chapter 9, Appeals from Actions of the Planning Director, Rules of Practice and Procedure of the County of Kauai Planning Commission, the Planning Commission is proposing amendments to its rules governing appeals of Planning Director's actions by clarifying the types Planning Director actions under the Comprehensive Zoning Ordinance and Subdivision Ordinance that may be appealed to the Planning Commission, and clarifying that any person, not just applicants, can petition to appeal actions pursuant to the Shoreline Setback Ordinance. Finally, the amendment clarifies the deadline for filing petitions to appeal for each type of action. These amendments are designed to clarify the process contested case appeals of Planning Director actions.

Regarding the proposed Amendments to the "Interpretative Administrative Zoning Rules and Regulations (2014) of the Kauai Planning Commission," Relating to Chapter 8, 9, and 10 of the Kauai County Code (1987), Enforcement of KPAR 8-19, Kauai County Code, Chapter 8, Article 17, Relating to Transient Vacation Rentals of the Kaua'i County Code, the Planning Commission is proposing amendments to bring the rules in line with the requirements of KCC Chapter 8, Article 17. Namely, the amendment explains what items must be submitted to the Planning Department along with applications to renew non-conforming use certificates (NCUC), the deadlines for NCUC applications, and the repercussions for failing to submit an application by the NCUC's annual expiration date. In addition, the amendment increases the per day fine amount for Class I or II type structural violations from \$250 to \$500 and non-compliance with the ordinance violations, which include posting no NCUC sign from \$250 to \$1,000.

All interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing on the proposed rule amendments at the time of the public hearing. Persons wishing to submit written testimony are requested to submit their written testimony to the Planning Department at the addresses noted above. Persons presenting oral testimony are requested to also submit their testimony in writing to the Planning Department at the addresses noted above. All submissions for the record must be received at or prior to the scheduled public hearing.

A copy of the proposed rule amendments will be mailed to any interested person who requests a copy and pays the required fees for copying and postage. Please submit your request to the Planning Department. Copies of the proposed rule amendments may be picked up from the Planning Department at the above address between the hours of 7:45 a.m. and 4:00 p.m., Monday through Friday, excluding holidays. In addition, the full text of the proposed rule is available on the web site of the Planning Commission: <http://www.kauai.gov/Government/Boards-and-Commissions/Planning-Commission>. Individuals who require special needs accommodations may request assistance by writing or contacting the Department at (808)241-4050 at least five (5) working days prior to the scheduled public hearing.